



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:

Dane K. FISHER *et al.*

Appl. No.: 09/540,235

Filed: April 3, 2000

For: **Nucleic Acid Sequences from  
*Cyanidium caldarium* and Uses  
Thereof**

Art Unit: 1631

Examiner: Michael L. BORIN

Atty. Docket: 16517.001/38-21(15749)B

**Response to Restriction Requirement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 1, 2002, Applicants submit the following amendments and remarks.

**REMARKS**

The application presently contains claims 1-7. In the Office Action dated May 1, 2002, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I: Claims 1, 2, and 4-7 drawn to isolated nucleic acid, fragments thereof, and expression cells comprising the nucleic acid, classified in class 536, subclass 23.1 and class 935, subclass 66.

Group II: Claim 3 drawn to a purified polypeptide encoded by a polynucleotide from an EST library, classified in class 530, subclass 300.

Applicants respectfully traverse the restriction requirement and provisionally elect the subject matter of group I, presented in claims 1, 2, and 4-7, drawn to isolated nucleic acid,